

Notice of Allowability

Application No.

09/918,383

Applicant(s)

DYCK, STEFAAN VAN

Examiner

Art Unit

Taylor Victor Oh

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/05.
2. ☒ The allowed claim(s) is/are 1, 3-9, and 11-15, renumbered as claims 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4/30/05</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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The previous final rejection has been vacated.

The Status of Claims

Claims 1, 3-9, and 11-15 are pending.

Claims 1, 3-9, and 11-15 have been allowed.

Examiner's Amendment and Reasons of Allowance

I. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with an attorney of record, Mr. Kent A. Herink on 4/27/05.

II. The application has been amended as follows:

In claim 1, line 4 on page 2 (the amendment on 6/25/04):

The term "substantially" before the word "absorbed" has been deleted.

In claim 12, line 2 on page 3 (the amendment on 6/25/04):

The phrase "substantially completely" before the phrase "with the amount of acid" has been deleted.

In claim 14, line 4 on page 3 (the amendment on 6/25/04):

The term "substantially" before the word "absorbed" has been deleted.

III. The following is an examiner's statement of reasons for allowance:

The close references for the current invention are Moore (U.S. 5,019,148) and Mori et al (U.S. 5,935,635).

Moore discloses a method of producing homogeneous mineral granules of animal feed supplements by commingling acids such as acetic, propionic, citric acid and bases such as the oxides, hydroxides of the alkaline earth metals and hydroxides of alkali metals to form a mixture in an exothermic reaction, during which water is evaporated from the salts formed.

Mori et al discloses a feed additive for animal feed containing amino acids and other fermentation product and a caking preventive agent such as silica gel with a range of from 0.1 to 5 % by weight.

The instant invention, however, differs from the prior art in that the claimed inert carrier is mixed first with the organic acid and subsequently the inorganic base is added to the mixture later unlike the prior art process is related to the formation of the product by mixing the organic acid and the inorganic base together at the same time and later the addition of the inert additive to the result product takes place. The order of mixing steps is important in the claimed

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invention because such a procedure will generate the unexpected result regarding the formation of the only granules of the desired size with the considerable absence of fine particles as shown in table 4 of the specification (see page 9) and no clump and the non-requirement of any additional drying process.

Therefore, the claimed invention would not have been obvious to the person with an ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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4/27/55

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